

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

SAMUEL R. HOGSETT,

Defendant.

Case No. 05-cr-30196-SMY

ORDER

YANDLE, District Judge:

Defendant Samuel R. Hogsett seeks a 30-day extension of time to appeal this Court’s denial of his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A) (Doc. 245). The Court denied his motion for compassionate release on August 18, 2021 (Doc. 239), and Hogsett filed his notice of appeal on September 9, 2021 (Doc. 241).

In his motion for extension of time, Hogsett states that he did not receive the Order denying his motion for compassionate release until the following week. Attached to the Notice of Appeal is a note from Hogsett's Unit Manager at FCI Greenville which states that Hogsett received the Court's Order on August 23, 2021 and that "due to the date and time inmate Hogsett received the incoming mail, he may not have had sufficient time to respond to the deadline he was granted" (Doc. 241, p. 3). Under Federal Rule of Appellate Procedure 4(b)(1)(A), a defendant in a criminal case must file a notice of appeal within 14 days of the entry of the order being appealed. Rule 4(b)(4), however, allows the Court "extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed" so long as the Court can find "excusable neglect or good cause."

Here, the Court finds that Hogsett has presented good cause for his late notice of appeal. Furthermore, Hogsett filed his notice of appeal within the extended timeframe permitted under Rule 4(b)(4).¹ Thus, the Court **GRANTS** the motion for extension of time to appeal (Doc. 245).

IT IS SO ORDERED.

DATED: December 17, 2021



STACI M. YANDLE
United States District Judge

¹ The Court's order denying compassionate release was entered on August 18, 2021, making Hogsett's deadline to appeal September 1, 2021. Thirty days from that date was October 1, 2021. Hogsett's notice of appeal was filed on September 9, 2021 (Doc. 241).